UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,934	10/19/2004	Petri Ahonen	879A.0118.U1(US)	2516

29683   7590   10/28/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
10/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 July 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>19 October 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to the Amendment under 37 CFR 1.111, filed

on 07/03/2008. Claims 1-6 have been amended, claims 7-11 have been added. Claims

1-11 remain pending.

Response to Arguments

2.   Applicant's arguments, filed on 07/03/2008, with respect to claim 1 as anticipated

by Walter et al. (pages 7 and 8 of the remarks) have been fully considered and are

persuasive. The rejection of claim 1 as anticipated by Walter et al. has been withdrawn.

3.   Applicant's arguments filed 07/03/2008 with respect to claims 1 and 5 as

anticipated by Relander et al. (pages 10 and 11 of the remarks) have been fully

considered but they are not persuasive.

4.   Applicant argues (pages 9 and 11 of the remarks) that Relander does not teach

"special server terminal device configured to manage at least one of encryption and

synchronization applications and to distribute these based on an established criterion to

the other pieces of terminal equipment". Rather, Relander discloses a key stream

generator and a synchronization control instead of encryption and synchronization

applications.

5.   In response to the above mentioned argument, applicant's interpretation of the

applied reference is noted. However, both the key stream generator and the

synchronization control are applications located in the mobile station/terminal device.

Both are equivalent to and perform the functionality of encryption and synchronization

applications specified in claim 1.

6.   Applicant argues (page 10 of the remarks) that Relander does not teach *"a*

terminal equipment configured to download and manage said application."

7.   In response to the above mentioned argument, applicant's interpretation of the

applied reference is noted. However, Relander in paragraphs 0031-0033 teaches that

the 2 communicating ends (20 and 30), such as cell phones, have a key stream

generator and a synchronization control. These can be applications as explained earlier

(see bullet point 5 above).These application receive (download) the initialization vector

to start synchronization and they manage the data as described in paragraphs 0031

through 0033.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9.   Claims 1, 4-5, 7and 9-11 are rejected under 35 U.S.C. 102(a) as being

anticipated by Relander et al. (US 2002/0066012) referred to hereinafter by Relander.

10.   Regarding claim 1, Relander teaches a *system configured to arrange end-to-end*

(e2e) encryption between two or more pieces of terminal equipment communicating with

one another [abstract]*, said terminal equipment comprising:*

   a codec configured to convert an audio signal into a dataflow and vice versa

 [paragraph 0026]*,*

a module configured to manage encryption parameters (initialization vector IV)

stored in connection with the terminal equipment [paragraph 0032],

an encryption key stream generator KSG configured to generate a key stream

segment (KSS) with the said encryption parameters [paragraphs 0006, 0026 and

0032],

a module configured to encrypt a dataflow and decrypt of the encryption with the

generated key stream segment [equation in paragraph 0026]*,*

a module configured to synchronize of the encrypted dataflow and to de-

synchronize the synchronization [abstract and paragraph 0007]*, and*

at least one interface (terminal) *configured to receive the encryption parameters*

from the data communication network [paragraph 0006],

and wherein at least one of the pieces of terminal equipment is configured to function

as a special server terminal device, to manage and distribute at least the encryption

parameters concerning a data communication network to the other pieces of terminal

equipment based on an established criterion, and wherein

the special server terminal device is configured to manage at least one of

encryption and synchronization applications and to distribute these based on an

established criterion to the other pieces of terminal equipment [paragraphs 0006 and

0007] *and*

the terminal equipment is configured to download and manage said applications,

where the terminal equipment comprises a data memory configured to store the

applications and a processor and operating memory configured to execute the

applications [paragraph 0006, 0007, 0009, 0026, 0031 and 0033].

11.   The methods of claim 7 and 11 have limitations of claim 1 and hence same

rejection rational is applied.

12.   Regarding claim 4, Relander teaches a *system wherein the downloading of*

applications at the terminal equipment is arranged to take place in a self-organizing

manner, such as, for example, as SDS (Short Data Service) messages [paragraphs 008

and 0037 where the packets received are re-arranged to the original data sent].

13.   The method of claim 9 has the same limitation as the system of claim 4 and

hence same rejection rational is applied.

14.   Regarding claim 5, Relander teaches a*n apparatus, comprising:*

     a module configured to carry out encryption [paragraphs 0006 and 0026]*,*

     one or more modules configured to carry out synchronization [abstract and

paragraph 0007]*, and*

     a module configured to receive and manage at least encryption keys, and a

module configured to download and manage at least one of dynamic encryption and

synchronization applications, wherein a functionality of the apparatus to carry out end-

to-end encrypted communication with another apparatus is implemented by the at least

one dynamic (continuous) *application based on a program* [paragraphs 006,007, 009,

0026, 0031 and 0033].

15.   Regarding claim 10, Relander teaches that *the method is implemented in a*

wireless terminal equipment (cell phone/mobile station/TETRA base station) [paragraph

0002 lines 1-5 and paragraph 0025 lines12-13].

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 2, 3, 6 and 8 are rejected under 35 U.S.C. 103(a) as being anticipated by

Relander in view of Papineau (US 7,092,703).

18.   Regarding claim 2, Relander does not explicitly teach that the *system is*

configured to run applications according to the J2ME (Java 2 Platform Micro Edition)

specification.

        Papineau teaches that the *system is configured to run applications according to*

the J2ME (Java 2 Platform Micro Edition) specification [col 2, lines 9-19 and 31-40].

        It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to run application according to J2ME in Relander's system/phone

as taught by Papineau. The suggestion/motivation would have been to run application

in mobile devices that implement J2ME since they are memory constraint and have

limited processor [Papineau, col 2, lines 41-52].

19.   Regarding claim 3, Papineau teaches that the *system is configured in accordance with the MIDP (Mobile Information Device Profile) specification* [col 2, lines 53-58].

20.   Regarding claim 6, Papineau teaches that the terminal equipment, including at least a SIM module, characterized in that the said application is adapted to arrange command functionality at least at the interface between the SIM module and the terminal equipment through the programming interface (MIDP API) of the application [col 2, lines 53-58].

21.   The method of claim 8 has the same limitation as the apparatus of claim 6 and hence same rejection rational is applied.

Conclusion

22.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HADI ARMOUCHE whose telephone number is (571)270-3618. The examiner can normally be reached on M-Th 7:30-5:00 and Fridays half day.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A./
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Examiner, Art Unit 2432

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